

REMARKS

I. General

Claims 1-53 are pending in the present application. Claims 1, 8, 12, 18, 26 and 30 have been amended. Applicant again thanks the Examiner for the indication that dependent claim 31 would be allowable if rewritten in independent form. The outstanding issues in the current Office Action are as follows:

- The drawings stand objected to;
- Claim 31 stands objected to as being dependent upon a rejected base claim;
- Claims 1, 2, 4, 6, 7, 12-17, and 26 stand rejected under 35 U.S.C. 102(e) as anticipated by *Kung '558* (U.S. Pat. Pub. No. 2003/0133558);
- Claims 3 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* in view of *Cell* (U.S. Pat. No. 6,876,647);
- Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* in view of *Vo* (U.S. Pat. No. 6,795,444);
- Claims 8 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* in view of *Kung '469* (U.S. Pat. No. 6,816,469);
- Claims 9, 21, 35, and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* in view of *Kung '360* (U.S. Pat. No. 6,687,360);
- Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* and *Cell*, and further in view of *Pandharipande* (U.S. Pat. No. 6,529,500);

- Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* and *Kung '469*, and further in view of *Minert* (U.S. Pat. Pub. No. 2002/0141386);
- Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, *Kung '469* and *Minert*, and in further view of *Pogossiants*;
- Claims 23 and 27-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* and *Cell*, and further in view of *Weitz* (U.S. Pat. No. 6,445,682);
- Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, *Kung '469*, and *Minert*, and further in view of *Weitz*;
- Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, *Cell*, and *Weitz*, and further in view of *Pogossiants* (U.S. Pat. Pub. No. 2001/0028649);
- Claims 32, 33, 36, 41-43, 47, 48, 52, and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*.
- Claims 34, 37, 39, 44, 45, and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, in view of *Gainsboro* (U.S. Pat. No. 6,611,583);
- Claims 38, 39, and 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, in view of *Peel* (U.S. Pat. No. 5,907,602); and
- Claims 40 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, in view of *Ziegler* (U.S. Pat. Pub. No. 2003/0023714).

Applicant respectfully traverses the outstanding objection and rejections and requests reconsideration and withdrawal in light of the remarks presented herein.

II. Claim Amendments

Claims 1, 8, 12, 18, 26 and 30 have been amended to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Support can be found in the specification generally and specifically on page 5, lines 8-17. No new matter has been added.

III. Drawing Objections

The drawings stand objected to because, according to the Office Action, “[t]he drawings must show every feature of the invention specified in the claims. Claims 1, 12, 26, 32 and 43 recite ‘voice over IP network’, ‘switching means’, ‘Ethernet network interface’, which are not shown in drawings.” Office Action at page 2. Applicant respectfully asserts that the noted features are properly illustrated and described in the present application. For example, Figure 5 shows network 18 using a VoIP protocol, which the supporting specification describes as being a VoIP network. Specification at page 6, line 20. Moreover, Figure 1 illustrates switching function 20, which the supporting specification describes as being a function of computer 12. Specification at page 5, line 7. Also, Figure 1 depicts a VoIP gateway 26 being interfaced with network 18, which is described as a WAN or LAN which are well known to implement Ethernet network interfaces. Specification at page 4, lines 19-22. Moreover, the specification expressly teaches that an embodiment of the gateway includes Ethernet capability. Specification at page 6, lines 3-5. Accordingly, Applicant asserts that the foregoing features of the claims are shown in the drawings and respectfully requests that the Examiner withdraw this objection.

The Examiner further states that “‘voice over IP Gateway 26’, and network 18 are shown separate from each other, whereas in specification . . . the network 18 includes a Voice over Internet Protocol (VOIP) Gateway 26.” Office Action at page 2. Applicant believes that a person of ordinary skill in the art would readily recognize, in light of Figure 1, that telephones 10 are connected to switch telephone network 16 over an Internet Protocol (IP) network 18 via Voice over Internet Protocol (VoIP) gateway 26. However, in order to

expedite prosecution of the present application, Applicant has amended the specification to state that “the telephones 10 are selectively connected to the off site switch telephone network 16 over an Internet Protocol (IP) network 18 via Voice over Internet Protocol (VoIP) gateway 26,” thus rendering this objection moot.

Finally, the Examiner asserts that “[t]he drawings are objected to under 37 CFR 1.83(a) because they fail to show VOIP network” Office Action at page 2. Again, Applicant respectfully asserts that the noted features are properly illustrated and described in the present application. As noted above, Figure 5 shows network 18 using a VoIP protocol, which the supporting specification describes as being a VoIP network. Specification at page 6, line 20. Applicant is unsure how a VoIP network could be more clearly represented in the drawing. Accordingly, Applicant respectfully requests that the Examiner withdraw this objection or provide specific guidance as to how the Examiner believes a VoIP network could be more accurately represented.

IV. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4, 6, 7, 12-17, and 26 stand rejected under 35 U.S.C. 102(e) as anticipated by *Kung* ‘558. Office Action at page 3. Applicant traverses the rejection and asserts that the claims are allowable, at least, for the reasons stated below.

In order anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See* M.P.E.P. § 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cited in* M.P.E.P. § 2131. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989), *cited in* M.P.E.P. § 2131.

A. Independent Claims 1, 12, and 26

Independent claim 1, as amended, recites “a programmable control computer for . . . restricting usage of said telephones by particular individuals” Independent claim 12, as amended, recites “a programmable control system for . . . restricting use of said telephones by

particular individuals” Similarly, independent claim 26, as amended, recites “programmable means for restricting usage of said telephones by particular individuals” Applicant respectfully points out that the passages of *Kung* ‘558 previously cited by the Examiner only describe interfaces provided by a broadband residential gateway and how a call manager sets up and tears down calls. *See Kung* ‘558 at paragraphs [0027] and [0055]. Nothing in *Kung* ‘558 teaches restricting use or usage of telephones, as claimed.

The Examiner has also asserted that *Kung* ‘558 teaches that an “IP central station may be configured to store various control and system information” Office Action at page 19 (emphasis removed). However, merely *storing control and system information* is not the same limitation as *restricting usage or use of telephones*, as recited in the claims. Although *Kung* ‘558 may disclose that an IP central station stores “control information,” Applicant has been unable to find any indication in *Kung* ‘558 that “control information” is used to restrict usage of telephones, and the Examiner has not shown otherwise. Therefore, Applicant respectfully submits that *Kung* ‘558 does not teach every element of claims 1, 12, and 26. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of record with respect to these claims.

B. Dependent claims 2, 4, 6, 7, and 13-17

Dependent claims 2, 4, 6, and 7 depend from claim 1, thus inheriting all limitations of that independent claim. Dependent claims 13-17 depend from claim 12, thus inheriting all limitations of that independent claim. Therefore, for at least the reasons advanced above, each of claims 2, 4, 6, 7, and 13-17 set forth features and limitations not recited by *Kung* ‘558. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of record with respect to claims 2, 4, 6, 7, and 13-17.

Moreover, the dependent claims recite limitations not taught by *Kung* ‘558. For example, claim 2 recites, in part, that “programming for said control computer is distributed to remote locations over said VoIP network.” The passage of *Kung* ‘558 cited by the Examiner as meeting this limitation only describes a distributed processing controller of a gateway that controls functions within the gateway. *Kung* ‘558 at paragraph [0081]. Applicant respectfully asserts that the distributed processing controller of *Kung* ‘558 consists

of processing modules within the gateway itself and, as such, are not distributed to remote locations, as required by claim 2. Again, nothing in *Kung '558* teaches programming for a control computer distributed to remote locations.

In response to the arguments made above, the Examiner has stated that *Kung '558* teaches that “one or more individuals disposed at either local and/or remote locations with diverse types of equipment may communicate as an intercom group without the need to communicate via normal dialing procedures.” Office Action at page 20 (emphasis removed). However, that *Kung '558* may disclose that individuals in remote locations are able to communicate does not teach or suggest distributed programming for a control computer. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of record with respect to claim 2.

V. Claim Rejections Under 35 U.S.C. § 103

Claims 3 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* in view of *Cell*. Claims 4 and 5 stand rejected as being unpatentable over *Kung '558* in view of *Vo*. Claims 8 and 18 stand rejected as being unpatentable over *Kung '558* in view of *Kung '469*. Claims 9, 21, 35 and 49 stand rejected as being unpatentable over *Kung '558* in view of *Kung '360*. Claims 10 and 11 stand rejected as being unpatentable over *Kung '558* and *Cell*, and further, in view of *Pandharipande*. Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558* and *Kung '469*, and further in view of *Minert*. Claim 20 stands rejected as being unpatentable over *Kung '558*, *Kung '469* and *Minert*, and in further view of *Pogossiants*. Claims 23 and 27-29 stand rejected as being unpatentable over *Kung '558* and *Cell*, and further in view of *Weitz*. Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, *Kung '469*, and *Minert*, and further in view of *Weitz*. Claim 30 stands rejected as being unpatentable over *Kung '558*, *Cell*, and *Weitz*, and further, in view of *Pogossiants*. Claims 32, 33, 36, 41-43, 47, 48, 52, and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*. Claims 34, 37, 39, 44, 45 and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*, in view of *Gainsboro*. Claims 38, 39 and 51 stand rejected as being unpatentable over *Kung '558*, in view of *Peel*. Claims 40 and 46 stand rejected as

being unpatentable over *Kung '558*, in view of *Zeigler*. Applicant traverses the rejection and asserts that the claims are allowable, at least, for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references' teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicant asserts that the rejection does not satisfy the basic criteria.

A. Improper motivation

The Office Action admits that *Kung '558* does not teach or suggest various limitations of claims 3-5, 8-11, 18-25, 27-30, and 32-53, and attempts to cure these deficiencies by introducing various combinations of *Kung '558* with *Cell*, *Vo*, *Kung '469*, *Kung '360*, *Weitz*, *Pandharipande*, *Pogossiants*, *Minert*, *Gainsboro*, and *Zeigler*. The Examiner correctly states that "obviousness can only be established . . . where there is some teaching, suggestion, or motivation to do so found either in the reference themselves or in the knowledge generally available to a person of ordinary skill in the art." Office Action at page 20. Nonetheless, the Examiner has not properly established any suggestion as to why the proposed combinations of *Kung '558* with other references would be desirable. Therefore, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with respect to these claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 3-5, 8-11, 18-25, 27-30, and 32-53.

1. Claims 3-5 and 22

The motivation presented for combining *Kung '558* and *Cell* to meet claims 3 and 22, and for combining *Kung '558* and *Vo* to meet claims 4 and 5, was presented as follows:

The motivation for using VoIP gateway in IP central station is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source. Office Action at pages 7-8.

Language such as that presented as motivation to combine these various references is, at best, merely a statement that the references can be combined. Applicant respectfully points out that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2143.01. The stated motivation appears to be only a restatement of the function of a VoIP gateway, and fails to indicate any desirability for making the combination. Moreover, the language of the recited motivation is circular in nature, stating that it is obvious to make the modification because it is obvious to achieve the result. Such language is merely a statement that the reference can be modified and does not state any desirability for making the modification. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 3-5 and 22.

2. Claims 8, 10, 11, and 18

The motivation presented for combining *Kung '558* and *Kung '469* to meet claims 8 and 18, and for combining *Cell* and *Pandharipande* to meet claims 10 and 11, was presented as follows:

The motivation for using VoIP is to establish a voice call connection and receiving audio data from a network source.
Office Action at pages 9 and 12.

Language such as that presented as motivation to combine these various references is, at best, merely a statement that the references can be combined. Applicant respectfully points out that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2143.01. The stated motivation is merely a restatement of functions made possible by the use of VoIP, and fails to indicate any desirability for making the combination. Moreover, the language of the recited motivation is circular in nature, stating that it is obvious to make the modification because it is obvious to achieve the result. Such language is merely a statement that the reference can be modified and does not state any desirability for making the modification.

Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 8, 10, 11, and 18.

3. Claims 9, 21, 35, and 49

The motivation presented for combining *Kung '558* and *Kung '360* to meet claims 9, 21, 35, and 49 was presented as follows:

The motivation for using VoIP is to identify the caller and establish a voice call connection and receiving audio data from a network source. Office Action at page 12.

Language such as that presented as motivation to combine *Kung '558* and *Kung '360* is, at best, merely a statement that the references can be combined. Applicant respectfully points out that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2143.01. The stated motivation is merely a restatement of functions made possible by the use of VoIP, and fails to indicate any desirability for making the combination. Moreover, the language of the recited motivation is circular in nature, stating that it is obvious to make the modification because it is obvious to achieve the result. Such language is merely a statement that the reference can be modified and does not state any desirability for making the modification. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 9, 21, 35, and 49.

4. Claims 19, 20, 24, 25, 34, 37-40, 44-46, 50, and 51

The motivation presented for combining *Kung '558* with *Kung '469* and *Minert* to meet claim 19, for combining *Kung '558*, *Kung '469*, *Minert*, and *Pogossiants* to meet claim 20, for combining *Kung '558*, *Kung '469*, *Minert*, and *Weitz* to meet claims 24 and 25, for combining *Kung '558* with *Gainsboro* to meet claims 34, 37, 39, 44, 45, and 50, for combining *Kung '558* with *Peel* to meet claims 38, 39, and 51, and for combining *Kung '558* with *Ziegler* to meet claims 40 and 46, was presented as follows:

The motivation for using VOIP is to establish a VOIP telephone calling. Office Action at pages 15, 16, and 18.

Language such as that presented as motivation to combine these various references is, at best, merely a statement that the references can be combined. Applicant respectfully points out that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), cited in M.P.E.P. § 2143.01. The stated motivation is merely a restatement of functions made possible by the use of VoIP, and fails to indicate any desirability for making the combination. Moreover, the language of the recited motivation is circular in nature, stating that it is obvious to make the modification because it is obvious to achieve the result. Such language is merely a statement that the reference can be modified and does not state any desirability for making the modification. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 19, 20, 24, 25, 34, 37-40, 44-46, 50, and 51.

Furthermore, with respect to the combination of *Kung '558* with *Gainsboro* to meet claims 34, 37, 39, 44, 45, and 50, Applicant respectfully points out that *Gainsboro* does not teach, or even suggest, using VoIP. Although the Examiner states that “[*Gainsboro*’s features] can be implemented by combining [*Gainsboro*’s system] in IP central station, as taught by *Kung '558*,” Applicant respectfully asserts that such combination require a substantial reconstruction and redesign of the elements shown in the references, as well as a change in the basic principles under which *Gainsboro* was designed to operate. See *In re Ratti*, 270 F.2d 810, 843, 123 U.S.P.Q. 349, 352 (C.C.P.A. 1959). If the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims obvious. M.P.E.P. § 2143.01. Therefore, the motivation for the combination of *Kung '558* with *Gainsboro* is improper. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 34, 37, 39, 44, 45, and 50.

5. Claims 23 and 27-30

The motivation presented for combining *Kung '558*, *Cell*, and *Weitz* to meet claims 23 and 27-29, and for combining *Kung '558*, *Cell*, *Weitz*, and *Pogossiants* to meet claim 30, was presented as follows:

The motivation for using packetization is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source. Office Action at pages 13 and 14.

Language such as that presented as motivation to combine these various references is, at best, merely a statement that the references can be combined. Applicant respectfully points out that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), cited in M.P.E.P. § 2143.01. The stated motivation is merely a restatement of functions made possible by the use of packetization, and fails to indicate any desirability for making the combination. Moreover, the language of the recited motivation is circular in nature, stating that it is obvious to make the modification because it is obvious to achieve the result. Such language is merely a statement that the reference can be modified and does not state any desirability for making the modification. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 23 and 27-30.

6. Claims 32, 33, 36, 41-43, 47, 48, 52, and 53

Claims 32, 33, 36, 41-43, 47, 48, 52, and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kung '558*. The Examiner admits that *Kung '558* does not disclose a "prison facility," but asserts that *Kung '558* teaches a gateway that can be disposed in "a business or other location." Office Action at page 11. If the Examiner's position is that *Kung '558* meets the aforementioned claim limitation without modification, Applicant respectfully requests that the Examiner articulate a proper rejection under 35 U.S.C. § 102 in a subsequent, non-final office action. However, as the 35 U.S.C. § 103 rejection currently stands, a *prima facie* case of obviousness has not been made because the Examiner has presented the requisite motivation for a modification of *Kung '558* to meet the claimed "prison facility." See M.P.E.P. § 2143; Office Action at page 11. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claim 32, 33, 36, 41-43, 47, 48, 52, and 53.

B. Lack of all claimed limitations

1. Claims 3-5, 8-11, 18-25, and 27-30

As previously noted, *Kung* '558 fails to teach or suggest, at least, "restricting usage of said telephones . . .," as required by independent claims 1 and 26, and "restricting use of said telephones . . .," as required by independent claim 12. Dependent claims 3-5 and 8-11 depend from claim 1, thus inheriting all limitations of that independent claim. Dependent claims 18-25 depend from claim 12, thus inheriting all limitations of that independent claim. Also, dependent claims 27-30 depend from independent claim 26, thus inheriting all limitations of that independent claim. The Examiner does not rely upon any other reference as teaching or suggesting the above-reference features of claims 1, 12, and 26, and Applicant asserts that the other cited references do not teach or suggest such feature. Therefore, the combination of *Kung* '558 with other cited references provided by the Examiner fails to teach or suggest all of the limitations of dependent claims 3-5, 8-11, 18-25, and 27-30. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 3-5, 8-11, 18-25, and 27-30.

Moreover, the dependent claims recite limitations not taught or suggested by the applied art. For example, claim 4 recites, in part, "a plurality of given sites, at least one programmable control computer at each site" The Examiner relies solely upon *Vo* as teaching or suggesting these elements. Office Action at page 7. Applicant points out that the elements of *Vo* cited by the Examiner as meeting the plurality of given sites are described by *Vo* as "IP elements," and not as a plurality of sites. *Vo* at col. 12, lines 55-57. Moreover, a single MCCI unit 280 serves both IP elements 270 and 272, thus *Vo* does not teach or suggest "at least one programmable control computer at each site," as recited in the claim. *Vo* at Figure 2A. Therefore, the combination of *Kung* '558 with *Vo* fails to teach or suggest the aforementioned limitations of claim 4. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claim 4.

As another example, claim 8, as amended, recites "a third party call detect system for imposing a third party call restriction." Claim 18, as amended, recites that "said programmable control system performs the function of a third party call detection for imposing a third party call restriction." Claim 20 recites that "third party call detection is

performed between said second VoIP gateway and said public switched telephone network.” Claim 30, as amended, recites a “a third party call detection system for imposing a third party call restriction.” Applicant respectfully points out that, while the portion of *Kung* ‘469 relied upon by the Examiner as meeting these limitations may disclose *establishing* a third-party call (i.e., a multiparty conference call), it does not teach *detecting* such a call and restricting its placement, as recited in claims 8, 18, 20, and 30. *Kung* ‘469 at col. 2, lines 9-11; Office Action at pages 8, 9, and 13-15. Thus, the various combinations of references put forth by the Examiner fail to teach or suggest the aforementioned limitations of claims 8, 18, 20, and 30. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 8, 18, 20, and 30.

2. Claims 32-53

Claim 32 recites, in part, “a processor-based system . . . providing call control for controlling communications between said plurality of telephone terminals and said user terminals external to said prison facility.” Similarly, claim 43 recites, in part, “a centralized system providing call control functions to a prison telephone system . . .” The Examiner relies solely upon *Kung* ‘558 as teaching or suggesting “providing call control for controlling communications.” However, at the passage cited by the Examiner, *Kung* ‘558 only discloses a memory. *Kung* ‘558 at paragraph [0093]. Accordingly, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with respect to these claims. Moreover, Applicant has been unable to find any passage of *Kung* ‘558 or of any other reference cited by the Examiner that teaches or suggests the aforementioned limitations.

The Examiner further asserts that, because *Kung* ‘558 discloses a system may be deployed in “a business or other location,” *Kung* ‘558’s system may also be used in a “prison facility.” Office Action at page 11. However, the foregoing is insufficient to establish that *Kung* ‘558 teaches or suggests the claim limitations. Applicant respectfully points out that, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974), *cited in* M.P.E.P. § 2143.03. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970), *cited in* M.P.E.P. § 2143.03.

Even assuming, *arguendo*, that prison facilities were encompassed by *Kung* '558's teachings of "other location," that alone would not be sufficient to establish a prima facie case of obviousness. See *In re Baird*, 16 F.3d 380, 382 (Fed. Cir. 1994) ("The fact that that a claimed compound may be encompassed by a disclosed generic formula does not by itself render that compound obvious."), cited in M.P.E.P. § 2144.08. Particularly, *Kung* '558 deals with providing broadband services to residential and business customers. See *Kung* '558 paragraph [0027]. As such, *Kung* '558 does not address problems unique to prison facilities. See e.g., Specification at page 2, lines 6-15; page 3, line 8—page 4, line 9. For example, there is no indication in *Kung* '558 or in any other reference cited by the Examiner of a need to "provid[e] call control for controlling communications between said plurality of telephone terminals and [external] user terminals," which the inventor hereof recognized would be uniquely advantageous in a prison facility. *Id.* At least for these reasons, Applicant respectfully asserts that *Kung* '558 cannot be read as teaching or suggesting processing calls associated with a prison facility. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 32 and 43.

Dependent claims 33-42 depend from claim 32, thus inheriting all limitations of that independent claim. Dependent claims 44-53 depend from claim 43, thus inheriting all limitations of that independent claim. The Examiner does not rely upon any other cited reference as teaching or suggesting the above-reference features of claims 32 and 43, and Applicant asserts that the other cited references do not teach or suggest such features. Therefore, the combination of *Kung* '558 with other cited references as provided by the Examiner fails to teach or suggest all of the limitations of dependent claims 33-42 and 44-53. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 33-42 and 44-53.

Moreover, the dependent claims recite limitations not taught or suggested by the applied art. For example, claim 52 recites that a "centralized system provides call monitoring with respect to said call." The Examiner relies solely upon *Kung* '558 as teaching or suggesting this limitation. Office Action at page 9. At the passage cited by the Examiner, *Kung* '558 describes distributed processing controller 306 of broadband residential gateway

300 as controlling functions within the gateway. *Kung* '558 at paragraph [0081]. However, *Kung* '558 is silent concerning any sort of call monitoring. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claim 52.

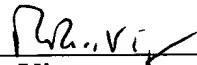
VI. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P026US/10400589 from which the undersigned is authorized to draw.

Dated: April 6, 2006

Respectfully submitted,

By 
R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8185
(214) 855-8200 (Fax)
Attorney for Applicant